

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
 v.) 1:19CR54-1
)
STEVE BRANTLEY SPENCE)

ORDER

This matter is before the court on Defendant's motion to continue the trial currently set for August 10, 2020. (Doc. 28.) The Government takes no position on this motion.

To the extent Defendant contends his Sixth Amendment rights are or in any way have been violated, the contention is rejected. Further, the State of North Carolina's planning for jury trials has no bearing on this court's docket. This court has engaged in extensive planning and is prepared to conduct criminal jury trials in accordance with public health guidance. However, because Defendant desires more time to meet with counsel to prepare for trial, particularly requesting a trial date in October 2020, and for good cause shown,

IT IS ORDERED that the trial of this matter is continued from August 10, 2020, until October 19, 2020, at 9:00 a.m. in either Courtroom 1 or 2 in Winston-Salem, depending on availability. The final location will be determined at a later date.

IT IS FURTHER ORDERED that the status conference scheduled for July 29, 2020, is continued to **September 30, 2020**, at 10:00 a.m. in Courtroom 2 in Winston-Salem in order for the court and parties to address any outstanding motions or other issues pretrial.

The court finds that Defendant's counsel has not been able to adequately meet with the Defendant due to the restrictions imposed on counsel at the local jail. The court further finds that the failure to grant the motion would deny counsel for Defendant the reasonable time necessary for the effective preparation, taking into account the exercise of due diligence. The court therefore finds that the ends of justice are best served by granting this continuance outweigh the interest of the public and the Defendant in a speedy trial.

IT IS FURTHER ORDERED that the period from August 10, 2020, up to and including October 19, 2020, is hereby excluded from the provisions of 18 U.S.C. § 3161, *et seq.*, pursuant 18 U.S.C. §§ 3161(h) (7) (A) and (B) (iv).

/s/ Thomas D. Schroeder
United States District Judge

July 23, 2020